

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 14 and 15 have been amended to clarify that the hollow projecting portion of the fuel tank projects over the longitudinal wall of the main frame as seen in a plan view of the working machine. Basis for this is clear from the plan view of Figure 9.

Claims 1-4, 11 and 13 stand rejected under 35 U.S.C. § 103 as being obvious over U.S. patent 5,002,325 (Fought et al.) in view of Japanese patent publication 2001-090112 (Yoshitaka). Claims 5-10 and 12 have been indicated as being allowable. The allowed claims have nonetheless not been rewritten in independent form since Applicants respectfully submit that the rejected claims also define over the prior art.

Claim 1 recites a working machine comprising a fuel tank mounted removably on a tank mounting portion within the machine body of the working machine, and engaging portions adapted to prevent the fuel tank from moving in vertical directions and in substantially horizontal directions other than a direction in which the fuel tank is movable when the engaging portions are in engagement with each other. Claim 1 further recites "fuel tank dislodgement preventing means for preventing said fuel tank from moving in the removable direction when set in said tank mounting portion." This is a "means plus function" limitation which is to be interpreted to cover the corresponding structure described in the specification and equivalents thereof. The corresponding structure disclosed in the specification is the battery mounting bracket 40. Equivalent structures for performing the claimed function of preventing the fuel tank from moving in the removable direction when set in the tank mounting portion would similarly be associated with the mounting of the battery.

It is Applicants understanding of the Office Action that the Examiner considers it to have been obvious from Fought et al. in view Yoshitaka to have provided a working machine

including a fuel tank removable in a substantially horizontal direction. However Applicants respectfully submit that no combination of Fought et al. and Yoshitaka would teach or suggest a fuel tank mounted to be removable in a substantially horizontal direction since there is no description in either reference of the fuel tank being removable in a substantially horizontal direction. Since there is no description in the prior art of the fuel tank being mounted to be removable in a substantially horizontal direction, the prior art also fails to teach a fuel tank dislodgement preventing means, particularly one equivalent to the battery bracket, for preventing the fuel tank from moving in the nonexistent removable direction.

Beyond this, since the fuel tank dislodgement preventing means is a "means plus function" limitation, and since there is no teaching of structure equivalent to that disclosed in the specification, even if it would "have been obvious...to include Fought's fuel tank in another type of machine/vehicle...so as to provide a fuel tank that is easily accessible, yet secured connected to the frame for safety," the claimed invention would not have been obvious to one skilled in the art because there is no evidence that it would have been obvious for one skilled in the art to have provided a fuel tank dislodgement preventing means equivalent to the structure disclosed in the specification. Claim 1 and its dependent claims therefore clearly define over any combination of these references.

Claims 14 and 15 have been amended to clarify that the fuel tank has a hollow projecting portion which projects over the longitudinal wall of the frame with which the fuel tank is in contact, as seen in plan view. Since amended Claims 14 and 15 as so amended are believed to clearly define over the prior art, the allowable Claims 16-18 have not been rewritten in independent form.

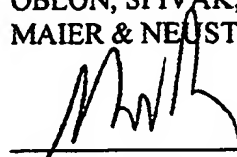
More particularly, Claims 14 and 15 had been rejected under 35 U.S.C. § 102 as being anticipated by Yoshitaka et al., wherein the element 10A of the fuel tank was considered to "extend over the wall." Applicants believe that the Examiner meant by this that the element

10A is higher than the wall 45. However, element 10A nonetheless fails to project beyond the wall as seen in a plan view of the working machine. Since this has been clarified in the claims, Applicants respectfully submit that Claims 14 and 15 also define over the prior art.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowance.

Respectfully submitted,

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